

Serial No. 10/643,558

Amendment Dated November 1, 2004

Reply to Office Action of August 25, 2004

REMARKS

Claims 1 to 4 and 6 to 9 have been rejected as unpatentable over Wan '950 in view of Kwok 624. Both Kwok and Wan relate to 2 totally independent devices. One is a desk organizer and the other holds kitchen tools. Further, both are design patents which are only useful for what they aesthetically show. There is no suggestion to make the outer wall of Wan transparent or of an open wire framework. Further, as amended, all claims now recite that at least 2 toroidally shaped circular areas free of any obstructions, such as partition walls are provided. Thus, magazines can be displayed at any location in the first outer area, the covers of which are visible through the outer wall. A brochure illustrating applicants' commercial device is enclosed. This is not true in either Wan or Kwok alone, or as proposed to be combined by the examiner. Thus, claim 1, and claims 2 to 10 dependent thereon, are allowable.

Claim 5 was rejected as unpatentable over Learnard in view of Bell. Learnard is a display card holder, not circular, and, as seen in Figure 2, has partitions extending entirely about the first inner area. Bell is an utility rack for hats, coats and umbrellas. One looking for solutions in the hat/coat/umbrella storage art would not look in the display card art. The two arts are non-analogous (see *In re Oetiker*, 977F2d 1443, 24 USPQ2d 1443(Fed. Cir. 1992)).

Further, as seen in Fig. 3, partitions separate the first outer area. Neither outer wall is transparent. Thus, claim 5 should be allowable along with the other dependent claims.

New claim 11 is a rewrite of original claims 1 and 10, the latter having been objected to. The indicated allowance is appreciated.

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The remaining reference cited but not applied by the examiner have been considered but add nothing to the 4 above cited and applied references.

Allowance of all claims is respectfully requested

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638.

Respectfully submitted,

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Enclosure